

99R-261

Introduce: 9-13-99

RESOLUTION NO. A- 79737

1 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

2 1. That the attached Interlocal Agreement between the City of Lincoln,
3 the County of Lancaster, Nebraska, and the County of Saunders, Nebraska for the
4 establishment of a Local Workforce Investment Area and a system to perform the
5 responsibilities set forth in the Workforce Investment Act of 1998, in accordance with
6 the terms and conditions contained in said Agreement, is hereby approved and the
7 Mayor is authorized to execute the same on behalf of the City of Lincoln.

8 2. That the provisions of the attached agreement, upon execution and
9 approval as provided therein, shall supercede and replace the agreement approved by
10 the City under Resolution No. A-69047 on September 26, 1993.

11 3. The City Clerk is directed to return all executed copies of the
12 Interlocal Agreement to Jan Norlander Jensen, Urban Development Department, for
13 transmittal to the other parties for necessary signatures.

Introduced by:

Jonathan Cook

AYES: Camp, Cook, Fortenberry,
Johnson, McRoy, Seng, Shoecraft;
NAYS: None.

Approved as to Form & Legality:

[Signature]
Assistant City Attorney

Staff Review Completed:

[Signature]
Administrative Assistant

9/20/99 Council Proceedings:
JOHNSON Moved to accept a substitute
agreement.

Seconded by Camp & carried by
the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, McRoy, Seng,
Shoecraft; NAYS: None.

APPROVED

ADOPTED

SEP 23 1999

SEP 20 1999

By City Council

[Signature]

CITY OF LINCOLN - LANCASTER COUNTY - SAUNDERS COUNTY

Local Workforce Investment Area Interlocal Agreement

THIS AGREEMENT is entered into this 23RD day of SEPTEMBER, 1999, by and between the City of Lincoln, Nebraska, a municipal corporation (Lincoln), the County of Lancaster, Nebraska (Lancaster County), and the County of Saunders, Nebraska (Saunders County) all political subdivisions of the State of Nebraska.

WHEREAS, the parties are authorized by the statutes of the State of Nebraska, including the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et. seq. as amended, to enter into cooperative agreements for the mutual benefit of the parties and to provide services in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the Greater Lincoln Service Area (Greater Lincoln) in the City of Lincoln, Lancaster County, and Saunders County (1990 population 231,926) has previously been designated as a service delivery area under the Job Training Partnership Act (1982) P.L. 97-300 (JTPA) and the Mayor of the City of Lincoln has performed the functions of the "appropriate chief elected official" under §103 (c) P.L. 97-300; and

WHEREAS, the Workforce Investment Act of 1998 P.L. 105-220 (WIA) provides the procedures for local systems to be designated as a Local Workforce Area under Subtitle B—Statewide and Local Workforce Investment Systems, to perform the obligations of WIA and assume some of the responsibilities formerly provided under JTPA; and

WHEREAS, Greater Lincoln has requested Nebraska Governor Johanns to proceed with a temporary designation in the same areas previously served by Greater Lincoln as the designated Local Workforce Investment Area under Section 116(a)(3) WIA, which designation is provided as a matter of law; and

WHEREAS, the parties desire to establish a local system to perform the responsibilities under WIA based on the concept of "one-stop" centers selected by the local workforce investment board; and

WHEREAS, the parties enter this agreement to outline the responsibilities of each party in establishing a Local Workforce Area as required by WIA and to designate the "chief elected official" under WIA § 117 (C) (1) (B).

NOW, THEREFORE, it is mutually agreed between the Lincoln, Lancaster County and Saunders County that the agreement entered into for the Greater Lincoln Service Delivery Area under JTPA and establishing the Private Industry Council is terminated effective upon the appointment and qualification of the Local Workforce Investment Board as provided herein, (Lincoln Resolution A-69047 9/26/83; Lancaster County Approval of Agreement No. C-2516; and Saunders County Resolution No. 27-1983 9/20/83) and this agreement is entered into upon the following terms and conditions:

1. **Purpose.** The purpose of this agreement is to establish a local system to be designated as a local workforce area under the Workforce Investment Act of 1998 Subtitle B as a cooperative exercise of authority among the parties without creating a separate joint entity and to designate an authorized representative to function as the "chief elected official" under the WIA.
2. **Local Workforce Area.** In accordance with the designation of the governor of the State of Nebraska, the Greater Lincoln Local Workforce Area shall mean the City of Lincoln, Lancaster County, and Saunders County, Nebraska.
3. **Local Workforce Investment Board (WIB).** The WIB shall consist of such members as provided in the WIA, the majority representing business, in accordance with the criteria of the Governor of the State of Nebraska which at a minimum shall include the following:

- (a) Representatives of business in the local area, who —
 - (i) Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;
 - (ii) Represent businesses with employment opportunities that reflect the employment opportunities of the local area; and
 - (iii) Are appointed from among individuals nominated by local business organizations and business trade associations;
- (b) Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities;
- (c) Representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees;
- (d) Representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);
- (e) Representatives of economic development agencies, including private sector economic development entities; and
- (f) Representatives of each of the one-stop partners; and
- (g) Such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate consistent with the WIA.

- (h) The City Treasurer shall be the treasurer of the WIB. The Lincoln City Attorney shall provide legal services to the WIB as may be required. In addition, the Mayor or a designated staff person representing the Mayor shall be a nonvoting ex-officio member of the board.
4. **Authorized Representative Designated.** The mayor of Lincoln (Mayor) is hereby designated as the authorized representative of the parties to serve as the "chief elected official" as defined by § 101(6)(B). This designation shall include, but shall not be limited to the authority to:
- (a) Appoint members to the WIB in accordance with the WIA;
 - (b) Approve a memorandum of understanding with the WIB consistent with the WIA to provide for the operation of the one-stop delivery system in the Greater Lincoln area, including designation and certification of the one-stop operator and development of a memorandum of understanding with one-stop partners.
 - (c) Approve the WIB designation of the local area used for measuring the performance of the local fiscal agent (where appropriate), eligible providers, and the one-stop delivery system.
 - (d) Approve the WIB local plan submission;
 - (e) Provide administration and oversight of the delivery system as provided in this agreement; and
 - (f) Carry out any other responsibilities assigned to the chief elected officials of Lincoln, Lancaster County and Saunders County.
5. **Duties of the WIB.** The WIB shall have the duties in the Greater Lincoln Area as provided in the WIA and approved in the local plan.
6. **Administration.** As grant recipient, the Mayor shall administer the funds allocated to the local system, and will bear full liability for misuse of grant funds. The Mayor shall have authority to approve or deny applications for funds for the local system and

execute all contracts and agreements entered into with the United States Department of Labor, the governor of Nebraska, or other departments, agencies, organizations, businesses, or local governments as deemed necessary and desirable under the WIA or under the local plan promulgated pursuant the WIA. The Mayor shall not approve the local plan until said plan has been reviewed and commented upon by Saunders County and Lancaster County. The administration of budgeted funds shall include the right to apply for, receive, and expend grants, and to make transfers of unencumbered balances or portions thereof between major expense categories. The Mayor shall inform the parties of all transfers by filing an appropriate written statement within seven (7) days. Each party shall have ten (10) days from the receipt of the notification from the Mayor to respond to the proposed transfer of funds. If there is no response within ten (10) days, the party is deemed to have approved of the transfer.

7. **Budget Process.** The budget for the local system shall be prepared annually by the Mayor on behalf of the WIB. The budget shall be approved by the governing bodies as provided in the local plan. Any action requiring the expenditure of funds not permitted by the annual budget, shall require the separate approval of the governing bodies.
8. **Purchasing.** All purchases for the local system shall be made in accordance with applicable law and the purchasing regulations of the City, and all funds of the department shall be handled by and through the City Treasurer. No funds shall be disbursed except as authorized by this agreement. Unencumbered balances remaining at the end of each year shall be returned to the City Treasurer to be applied to appropriations for the following year.
9. **Duration/Termination.** This agreement shall be and remain in full force and effect for one (1) year from the date hereof and every year thereafter unless terminated by 90 days' written notice by either party. In case of termination, the property, equipment,


and funds of the local system shall be returned to the parties in proportion to their contributions, or as may be otherwise agreed. Otherwise, all real and personal property acquired, held or disposed of for the local system shall be considered as property of the City unless provided otherwise in the local plan. Disposition of all records of the local system shall be made pursuant to law.

10. **Governor. Approval.** Pursuant to the Interlocal Cooperation Act § 13-805 this agreement shall, as a condition precedent to its entry into force, be approved as to all matters provided through the WIA or otherwise within the jurisdiction of the State of Nebraska by the Governor of the State of Nebraska.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

APPROVED BY THE CITY
COUNCIL OF THE CITY OF
LINCOLN, NEBRASKA by
Resolution No. A- 797.37,
adopted SEPT. 20, 1999.

Approved as to Form this ____ day
of _____, 1999.

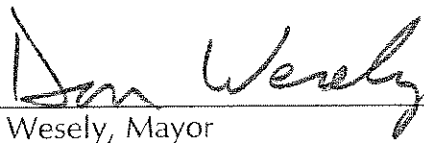

Assistant City Attorney

APPROVED BY THE
LANCASTER COUNTY BOARD
by Resolution No. 99-1118,
adopted September 21, 1999.

Approved as to Form this 30th day
of September, 1999.



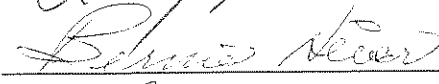
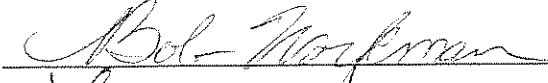
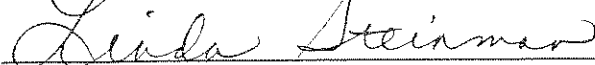

Lancaster County Attorney

CITY OF LINCOLN, NEBRASKA

By: 
Don Wesely, Mayor

COUNTY OF LANCASTER, NEBRASKA

By the Lancaster County Board of
Commissioners

COUNTY OF SAUNDERS, NEBRASKA
By the Saunders County Board of
Supervisors

APPROVED BY THE
SAUNDERS COUNTY BOARD
by Resolution No. 30,
adopted 9-28, 1999.

Approved as to Form this 28 day
of September 1999.

Thomas J. Jernigan
Saunders County Attorney

Jim Raump
Steve Chish
Bernie Lamm
Robert Greenleaf
Kenneth E. Kuntz
Ogden V. V.
David M. Kereff

APPROVED BY:

Mike Johanns
Mike Johanns
Governor of the State of Nebraska